



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

February 8, 2016

TO: Gina Natoli, Hearing Officer

FROM: Richard Claghorn 
Zoning Permits North Section

Project No. R2015-02101 – Conditional Use Permit No. 201500082
HO Meeting: February 16, 2016 - Agenda Item: 7

The above-mentioned item is a request to authorize the sale of beer and wine at a restaurant within the M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone, the Puente Zoned District and the Rowland Heights Community Standards District.

After the hearing package was prepared and distributed, five additional restaurants within 500 feet of the subject property, all of which are in the Pearl of the East Shopping Center, were found by staff. The staff report and findings are being revised to include these existing uses in the count of existing establishments selling alcoholic beverages, as well as the existing Boiling Crab restaurant, which was not included in the initial count of such establishments. Also, the effective date of Ordinance 6651 is being corrected to April 15, 1955 from May 15, 1955. Findings No. 11 and 26 are being revised, as well as the corresponding sections of the staff analysis, but no other changes were made. Please find a revised staff analysis report and draft findings for the above project.

If you need further information, please contact Richard Claghorn at (213) 974-6435 or rclaghorn@planning.lacounty.gov. Department office hours are Monday through Thursday from 7:00 a.m. to 6:00 p.m. The Department is closed on Fridays.

RC

Enclosure(s): revised staff analysis and revised draft findings

ENTITLEMENTS REQUESTED

- Conditional Use Permit 201500082 is required for the sale of beer and wine for on-site consumption in a restaurant in the M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone. A Conditional Use Permit ("CUP") is required for the sale of alcoholic beverages in the M-1.5 Zone, pursuant to Sections 22.32.140 and 22.56.195 of the Los Angeles County Code.

PROJECT DESCRIPTION

The permittee, the Boiling Crab restaurant ("permittee"), is requesting authorization for the sale of beer and wine for on-site consumption related to a restaurant ("Project") located at 18922 East Gale Avenue within the Mandarin Plaza shopping center ("Project Site"), in the unincorporated community of Rowland Heights, within the M-1.5-BE Zone. The proposed restaurant hours are 9:00 a.m. to 12:00 a.m. (midnight), seven days per week. A small narrow strip along Nogales Street in the northeast part of the Project Site is in the B-1 (Buffer) Zone, but the rest of the parcel is in the M-1.5-BE zone, including all of the buildings and all of the parking spaces. A CUP is required in the M-1.5 Zone for alcoholic beverage sales, pursuant to Section 22.32.140 of the Los Angeles County ("County") Code. A CUP (CUP 201300142) was approved on February 4, 2014 for beer and wine sales at the Boiling Crab's current location (18902 East Gale Avenue) within the same shopping center, which expires on February 4, 2029. A new CUP is needed because the Boiling Crab restaurant will be relocating to a different unit. The new location of the Boiling Crab was previously a restaurant known as Coconut Bay, which had a license from the Department of Alcoholic Beverage Control ("ABC") for a full line of alcoholic beverage sales for on-site consumption. ABC records show that Coconut Bay's ABC license was surrendered as of August 31, 2015.

SITE PLAN DESCRIPTION

The site plan for the Project depicts the Project Site, Assessor's Parcel Number ("APN") 8264-021-014, a 6.56 acre parcel which contains the Mandarin Plaza shopping center, which consists of six separate buildings with a total area of 58,546 square feet. The Boiling Crab restaurant will occupy the 11,430 square foot unit at the east end of the largest building, which was previously the Coconut Bay restaurant but is currently vacant. The site plan includes a parking analysis table listing each of the 25 businesses on the property and the area of each in square feet, along with the occupancy loads for each restaurant and the required parking for each business. Thirteen of the 25 businesses are restaurants. The occupancy load of the new Boiling Crab is 345, with 115 required parking spaces. The existing Boiling Crab is in a 6,108 square foot building on the south part of the Project Site which has an occupancy load of 199, with 66 parking spaces required. The new tenant of the existing Boiling Crab unit is not yet known, but it will presumably be another restaurant. The total parking requirement for the entire shopping center is 488. The number of parking spaces provided is 493.

EXISTING ZONING

The Project Site is zoned M-1.5-BE and B-1.

Surrounding properties within 600 feet are zoned as follows:

North: M-1.5-BE, B-1, City of Industry
South: C-3-BE (General Commercial-Billboard Exclusion), R-3-12U (Limited Multiple Residence-12 Dwelling Units Per Acre)
East: M-1.5-BE, B-1
West: M-1.5-BE

EXISTING LAND USES

The Project Site is developed with the Mandarin Plaza shopping center.

Surrounding properties within 600 feet are developed as follows:

North: 99 Ranch Market shopping center, recycling center, distribution center
South: freeway, mobile home park, Pearl of the East shopping center, motel, restaurant, single-family residences
East: gas station, car wash, mini mart, psychic, auto repair, public storage, warehouse, industrial, utility
West: motel

PREVIOUS CASES/ZONING HISTORY

The Project Site was zoned A-1-10,000 (Light Agricultural, 10,000 Square Foot Minimum Required Lot Area) by Ordinance 5122, effective June 24, 1948. It was rezoned to M-1.5 by Ordinance 6651, effective April 15, 1955, except for a narrow strip in the northeast part of the site, which was zoned B-1. Ordinance 9388, effective September 1, 1967, slightly expanded the M-1.5 zoned area on the south part of the site based on a change to the freeway alignment and parcel boundary. The shopping center that is now known as Mandarin Plaza was originally approved by the Los Angeles County Department of Regional Planning ("DRP") under Plot Plan 32580 on June 12, 1984. It was then known as Rowland Heights II Shopping Center and was modified through later approvals, although the basic property layout has remained essentially the same. The zoning of the M-1.5 zoned portion of the site was changed to M-1.5-BE under Ordinance 86-00962, effective July 11, 1986. On October 30, 1991, Plot Plan 32580 was approved for a restaurant in the former Coconut Bay unit, which had an occupancy load of 352 persons. CUP 96-024 was approved for beer and wine sales within the restaurant where the current Boiling Crab is now located, at 18902 East Gale Avenue, on July 10, 1996. Tenant improvements and signage to convert this restaurant space into the Boiling Crab were approved under Plot Plan 201000055 on August 31, 2010. CUP 201300142 was approved for continued beer and wine sales in the current Boiling Crab restaurant on February 4, 2014. Plot Plan 201500068 was approved on May 5, 2015 for tenant improvements for the proposed Boiling Crab restaurant in the former Coconut Bay restaurant space, with a floor area of 11,430 square feet and an occupant load of 345. There was no previous CUP for the former Coconut Bay unit, but an ABC license was issued for it before the CUP requirement became effective on October 9, 1992. A full line (Type 47) ABC license was issued on October 6, 1992 for this unit, which remained active until it was recently surrendered and cancelled. It was surrendered as of August 31, 2015 and the business has closed.

ENVIRONMENTAL DETERMINATION

County Staff recommends that this project qualifies for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County. The Project does not involve any expansion of the previous use or any new development and is only to reopen the restaurant and renew the sale of alcoholic beverages.

STAFF EVALUATION

General Plan/Community Plan Consistency

The project site is located within the Industrial land use category of the Rowland Heights Community General Plan ("Community Plan"). This designation is intended for manufacturing, warehousing, and heavy commercial uses. The Project involving beer and wine sales within a restaurant is consistent with the Community Plan.

The following policy of the General Plan is applicable to the proposed project:

- *General Plan Land Use Element Policy 5.2: "Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs."*

The Boiling Crab restaurant will be relocated to a new and larger unit within the same shopping center which was previously occupied by another restaurant, and it will continue to sell beer and wine for on-site consumption within the larger restaurant. The previous occupant of this space, Coconut Bay, offered a full line of alcoholic beverages, so the Boiling Crab will be a less intense use than the previous tenant in terms of the range of alcoholic beverages offered. This permit would allow the restaurant to continue to offer a wide range of beverage options to its customers in its new location, and will include appropriate conditions.

The following policy of the Community Plan is applicable to the proposed project:

- *Policy No. 2 of Noise section: "Encourage the location of commercial and industrial structures where appropriate along freeway and highway routes." (Page 29)*

The restaurant is located within an established shopping center adjacent to the Pomona Freeway (State Route 60) and Nogales Street, a Major Highway, in a location appropriate for such uses. This location is consistent with the policies of the Community Plan for such uses.

Zoning Ordinance and Development Standards Compliance

Sales of alcoholic beverages in the M-1.5 Zone are allowed with a CUP, pursuant to Section 22.32.140, subject to the requirements of Section 22.56.195 of the County Code. The restaurant has an occupancy load of 345 persons based on the Building and Safety determination done for Plot Plan 201500068, approved on May 5, 2015 for the

tenant improvements associated with the relocation of the Boiling Crab into its new location. Based on the occupant load, 115 parking spaces are required for this use. Parking for this use is calculated at a ratio of one parking space per 3 occupants, pursuant to Section 22.52.1110 of the County Code. The occupant load of Coconut Bay was 352, so the unit will require two fewer parking spaces than before. The site plan depicts 493 parking spaces on the Project Site. The total number of parking spaces required on the entire Project Site is 488, based on the parking analysis of the current uses of the property, including the Project. Retail and general commercial uses in the shopping center have their parking requirements calculated based on the standards that were in effect when the center was approved in 1984, one parking space per 400 square feet. The existing buildings were established prior to the establishment on October 16, 1988 of the current one space per 250 square foot standard for commercial uses. This permit does not propose any physical changes to the site and is only to authorize sales of beer and wine for on-site consumption within the restaurant.

Site Visit

A site visit was conducted on August 6, 2015 by DRP staff. The Project Site was found to be consistent with the site plan.

Burden of Proof

The applicant is required to substantiate all facts identified by Section 22.56.040 and 22.56.195.B of the County Code. The Burden of Proof statements with the applicant's responses are attached. Staff is of the opinion that the applicant has met the burden of proof requirements. The restaurant provides another dining option for the community and will not endanger or jeopardize the general welfare as long as it is operated according to the applicable regulations and requirements, including the CUP conditions, requirements of the Sheriff's Department and requirements of the Department of Alcoholic Beverage Control. The subject restaurant is well buffered from surrounding residential areas to the south and all immediately surrounding land uses are either commercial or industrial. The restaurant is consistent with other uses in the area and the previous restaurant with a full line of alcohol in the same unit did not adversely affect the surrounding area, nor has the existing Boiling Crab restaurant in the same shopping center, based on the Sheriff's letter. The new tenant will accept and abide by all conditions and requirements. Therefore, the requested use at the location proposed will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The Boiling Crab restaurant is located in a 58,546-square-foot commercial center with 493 parking spaces. The subject parcel is 6.46 acres. The commercial center was legally established in 1984 pursuant to Plot Plan 32580 and met all applicable development features at the time of approval. Based on the analysis of current uses, 488 parking spaces are required for the Project Site, including 115 spaces for the subject restaurant. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other

development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The subject restaurant is in a commercial center accessible from Gale Avenue, a 66-foot wide street, which is accessible from Nogales Street, a 100-foot wide Major Highway as designated on the County Master Plan of Highways. Nogales Street is proposed to have Class II Bike Lanes as part of the 2012 County Bicycle Master Plan. Sidewalks are located along Gale Avenue and Nogales Street. Therefore, the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of pedestrian, bicycle, and vehicle traffic such use would generate, and by other public or private service facilities as are required.

There are no places used exclusively for religious worship, schools, parks, playgrounds, or any similar use within 600 feet of the subject property. The Project is buffered from residential uses by the Pomona Freeway and by surrounding commercial and industrial uses, so no residential areas would be adversely impacted by the Project. According to the available records there are twelve businesses currently selling alcoholic beverages on the subject property or within 500 feet of the property, including ten restaurants and two markets. This does not include Coconut Bay, which is currently closed and has a cancelled ABC license. Although there are other businesses with on-site and off-site alcohol sales within 500 feet, it is not considered an undue concentration of establishments selling alcoholic beverages because no off-site sales are proposed. Since another restaurant in the same unit, Coconut Bay, had a full line of alcohol sales at this location for approximately 23 years, the restaurant use with alcohol sales is well established at this site and is suitable for this location. The current Boiling Crab restaurant has also operated without any reported problems or violations. The Sheriff's Department was consulted with regard to this Project and recommends approval of the CUP. The requested use will not adversely affect the economic welfare of the surrounding community. It will provide jobs and will bring tax revenue and income into the community and will reopen a currently vacant establishment. The exterior appearance of the structure will be consistent with the structures in the surrounding area. Tenant improvements are proposed to the existing structure's interior, but the exterior will not change significantly. New signage will be consistent with the approved sign program and Rowland Heights Community Standards District requirements.

Neighborhood Impact/Land Use Compatibility

The intended restaurant use is consistent with the existing zoning and land use category and the historic use of this restaurant space, which had a full line of alcohol sales for the previous restaurant tenant beginning in 1992 until about 2015. Relocating of the Boiling Crab restaurant use will allow it to expand, and will give area residents and visitors another place to enjoy beer and wine with their meals. The Pomona Freeway located to the south buffers the site from residential uses. The nearest residential use is a mobile home park approximately 350 feet to the southwest, on the opposite side of the freeway. There is a single-family residential neighborhood over 600 feet to the southeast, also on the opposite side of the freeway. There are no places used exclusively for religious worship, schools, parks, playgrounds, or similar uses within 600 feet of the Project Site.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff received a letter from the Los Angeles County Sheriff ("Sheriff") dated August 7, 2015, which contained a recommendation of approval for this CUP. The letter indicates that the Sheriff has no specific concerns about the property and that there have only been calls for alarm activations and routine calls.

LEGAL NOTIFICATION AND PUBLIC OUTREACH

Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. All neighboring property owners within 500 feet of the Project Site were notified by mail, including 14 different owners. Additionally, the case materials were available on Regional Planning's website and at the Rowland Heights Library. A total of 12 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Puente Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control.

PUBLIC COMMENTS

Staff has received no comments from members of the public at this time.

FEES/DEPOSITS

If approved, fees identified in the attached project conditions will apply unless modified by the Hearing Officer.

STAFF RECOMMENDATION

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends **APPROVAL** of Project Number R2015-02101, Conditional Use Permit Number 201500082, subject to the attached conditions.

SUGGESTED APPROVAL MOTION:

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING, FIND THAT THE PROJECT IS CATEGORICALLY EXEMPT PURSUANT TO STATE AND LOCAL CEQA GUIDELINES, AND APPROVE CONDITIONAL USE PERMIT NUMBER 201500082 SUBJECT TO THE ATTACHED FINDINGS AND CONDITIONS.

Prepared by Richard Claghorn, Principal Regional Planning Assistant, Zoning Permits North Section

Reviewed by Rob Glaser, Supervising Regional Planner, Zoning Permits North Section

RG:RC
2/8/16

**DRAFT FINDINGS AND ORDER
OF THE HEARING OFFICER
COUNTY OF LOS ANGELES
PROJECT NO. R2015-02101-(4)
CONDITIONAL USE PERMIT NO. 201500082**

1. The Los Angeles County ("County") Hearing Officer conducted a duly-noticed public hearing on February 16, 2016, in the matter of Project No. R2015-02101-(4), Conditional Use Permit No. 201500082 ("CUP").
2. The permittee, the Boiling Crab restaurant ("permittee"), requests a CUP to authorize the sale of beer and wine for onsite consumption within an existing restaurant unit ("Project") located at 18922 East Gale Avenue in the unincorporated community of Rowland Heights ("Project Site") in the M-1.5-BE (Restricted Heavy Manufacturing-Billboard Exclusion) Zone pursuant to County Code Sections 22.32.140 and 22.56.195. The proposed restaurant hours are 9:00 a.m. to 12:00 a.m. (midnight), seven days per week.
3. The Project Site is a 6.56 acre parcel which contains the Mandarin Plaza shopping center, which consists of six separate buildings with a total area of 58,546 square feet. The Boiling Crab restaurant will occupy the east portion of the main building near Gale Avenue on the north part of the parcel in a unit that was previously the Coconut Bay restaurant but is currently vacant. The Assessor's Parcel Number (APN) is 8264-021-014. The Project Site is irregular in shape and is located at the southwest corner of Gale Avenue and Nogales Street and abuts the Pomona Freeway, which is immediately to the south of the parcel. The site is mostly flat with only a slight slope.
4. The Project Site is located in the Puente Zoned District and is zoned M-1.5-BE, except for a small narrow strip along Nogales Street in the northeast part of the Project Site, which is in the B-1 (Buffer) Zone. The subject restaurant and all buildings and parking spaces on the property are within the M-1.5-BE Zone.
5. The Project Site is located within the Industrial land use category of the Rowland Heights Community General Plan ("Community Plan") Land Use Policy Map.
6. Surrounding Zoning within a 600-foot radius includes:

North: M-1.5-BE, B-1 (Buffer)
South: C-3-BE (General Commercial-Billboard Exclusion), R-3-12U (Limited Multiple Residence-12 Dwelling Units Per Acre)
East: M-1.5-BE, B-1
West: M-1.5-BE
7. Surrounding land uses within a 600-foot radius include:

North: 99 Ranch Market shopping center, recycling center, distribution center

South: freeway, mobile home park, Pearl of the East shopping center, motel, restaurant, single-family residences
East: gas station, car wash, mini mart, psychic, auto repair, public storage, warehouse, industrial, utility
West: motel

8. The Project Site is accessible via Gale Avenue to the north.
9. The Sheriff recommended approval of this Project in a letter from August 7, 2015. The letter indicates that the Sheriff has no specific concerns about the property and that there have only been calls for alarm activations and routine calls.
10. The occupant load for the restaurant, as determined by the Department of Public Works Building and Safety Division, is 345 persons. The occupant load was previously calculated as 352 persons in 1991.
11. The Project Site was zoned A-1-10,000 (Light Agricultural, 10,000 Square Foot Minimum Required Lot Area) by Ordinance 5122, effective June 24, 1948. It was rezoned to M-1.5 by Ordinance 6651, effective April 15, 1955, except for a narrow strip in the northeast part of the site, which was zoned B-1. Ordinance 9388, effective September 1, 1967, slightly expanded the M-1.5 zoned area on the south part of the site based on a change to the freeway alignment and parcel boundary. The zoning of the M-1.5 zoned portion of the site was changed to M-1.5-BE under Ordinance 86-00962, effective July 11, 1986.
12. The shopping center that is now known as Mandarin Plaza was originally approved by the Los Angeles County Department of Regional Planning ("DRP") under Plot Plan 32580 on June 12, 1984. It was then known as Rowland Heights II Shopping Center and was modified through later approvals, although the basic property layout has remained essentially the same. On October 30, 1991, Plot Plan 32580 was approved for a restaurant in the former Coconut Bay unit, which had an occupancy load of 352 persons. CUP 96-024 was approved for beer and wine sales within the restaurant where the current Boiling Crab is now located, at 18902 East Gale Avenue, on July 10, 1996. Tenant improvements and signage to convert this restaurant space into the Boiling Crab were approved under Plot Plan 201000055 on August 31, 2010. CUP 201300142 was approved for continued beer and wine sales in the current Boiling Crab restaurant on February 4, 2014. Plot Plan 201500068 was approved on May 5, 2015 for tenant improvements for the proposed Boiling Crab restaurant in the former Coconut Bay restaurant space, with a floor area of 11,430 square feet and an occupant load of 345. There was no previous CUP for the former Coconut Bay unit, but an ABC license was issued for it before the CUP requirement became effective on October 9, 1992. A full line (Type 47) ABC license was issued on October 6, 1992 for this unit, which remained active until it was recently surrendered and cancelled. It was surrendered as of August 31, 2015 and the business has closed.

13. Regional Planning staff determined that the Project qualifies for a Class 1 (Existing Facilities) categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the Project involves the sale of alcoholic beverages in an existing restaurant.
14. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearing by mail, newspaper, and property posting.
15. No comments have been received from the public at this time.
16. [Hearing Proceedings] *To be inserted after the public hearing to reflect hearing proceedings.*
17. The Hearing Officer finds that the Project is consistent with the goals and policies of the Los Angeles County General Plan ("General Plan"). The Project is located within the Rowland Heights Community General Plan ("Community Plan"), a component of the General Plan. Both the General Plan and the Community Plan contain policies to ensure compatibility of development with the surrounding area. General Plan *Land Use Element Policy 5.2 is to "Encourage a diversity of commercial and retail services, and public facilities at various scales to meet regional and local needs."* The Boiling Crab restaurant will be relocated to a new and larger unit within the same shopping center which was previously occupied by another restaurant, and it will continue to sell beer and wine for on-site consumption within the larger restaurant. The previous occupant of this space, Coconut Bay, offered a full line of alcoholic beverages, so the Boiling Crab will be a less intense use than the previous tenant in terms of the range of alcoholic beverages offered. This permit would allow the restaurant to continue to offer a wide range of beverage options to its customers in its new location, and will include appropriate conditions.
18. The Hearing Officer finds that the Community Plan also contains a policy relevant to the Project. Policy No. 2 of the Noise section (Page 29) is to "encourage the location of commercial and industrial structures where appropriate along freeway and highway routes." The restaurant is located adjacent to the Pomona Freeway (State Route 60) and Nogales Street, a Major Highway, in a location appropriate for such uses. This location is consistent with the policies of the Community Plan.
19. The Hearing Officer finds that the proposed use is consistent with the M-1.5-BE zoning classification because the sale of alcoholic beverages is permitted within the M-1.5 Zone with a CUP pursuant to Sections 22.32.140 and 22.56.195 of the County Code.
20. The Hearing Officer finds that the Project satisfies the Conditional Use Permit Burden of Proof findings in Section 22.56.040 and the additional alcohol burden of proof findings in Section 22.56.195B of the County Code.

21. The Hearing Officer finds that the Project will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the Project Site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, and general welfare. The restaurant provides another dining option for the community and will not endanger or jeopardize the general welfare as long as it is operated according to the applicable regulations and requirements, including the CUP conditions, requirements of the Sheriff's Department and requirements of the Department of Alcoholic Beverage Control. The subject restaurant is well buffered from surrounding residential areas to the south and all immediately surrounding land uses are either commercial or industrial. The restaurant is consistent with other uses in the area and the previous restaurant with a full line of alcohol in the same unit did not adversely affect the surrounding area, nor has the existing Boiling Crab restaurant in the same shopping center, based on the Sheriff's letter. The new tenant will accept and abide by all conditions and requirements.
22. The Hearing Officer finds that the Project Site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping, and other development features as is required in order to integrate the Project into the surrounding area. The Boiling Crab restaurant is located in a 58,546-square-foot commercial center with 493 parking spaces. The subject parcel is 6.46 acres. The commercial center was legally established in 1984 pursuant to Plot Plan 32580 and met all applicable development features at the time of approval. Based on the analysis of current uses, 488 parking spaces are required, including 115 spaces for the subject restaurant.
23. The Hearing Officer finds that the Project is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such uses would generate, and by other public or private facilities as are required. The subject restaurant is in a commercial center accessible from Gale Avenue, a 66-foot-wide street, which is accessible from Nogales Street, a 100-foot-wide Major Highway as designated on the County Master Plan of Highways. Nogales Street is proposed to have Class II Bike Lanes as part of the 2012 County Bicycle Master Plan. Sidewalks are located along Gale Avenue and Nogales Street.
24. The Hearing Officer finds that the requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground, or any similar use within a 600-foot radius. There are no places used exclusively for religious worship, schools, parks, playgrounds, or any similar use within 600 feet of the subject property.
25. The Hearing Officer finds that the requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area. The Project is buffered from residential uses by the Pomona Freeway and by surrounding commercial and industrial uses, so no residential areas would be adversely impacted by the Project. The nearest residential use is a mobile home park approximately 350 feet to the southwest, on

the opposite side of the freeway. There is a single-family residential neighborhood over 600 feet to the southeast, also on the opposite side of the freeway.

26. The Hearing Officer finds that the requested use at the proposed location will not result in an undue concentration of similar premises. According to the available records there are twelve businesses currently selling alcoholic beverages on the subject property or within 500 feet of the property, including ten restaurants and two markets. This does not include Coconut Bay, which is currently closed and has a cancelled ABC license. Although there are other businesses with on-site and off-site alcohol sales within 500 feet, it is not considered an undue concentration of establishments selling alcoholic beverages because no off-site sales are proposed. Since another restaurant in the same unit, Coconut Bay, had a full line of alcohol sales at this location for approximately 23 years, the restaurant use with alcohol sales is well established at this site and is suitable for this location. The current Boiling Crab restaurant has also operated without any reported problems or violations. The Sheriff's Department was consulted with regard to this Project and recommends approval of the CUP.
27. The Hearing Officer finds that the requested use will not adversely affect the economic welfare of the nearby community. The reopening of this business is expected to have a positive economic effect on the community. It will provide jobs and will bring tax revenue and income into the community and will reopen a currently vacant establishment.
28. The Hearing Officer finds that the exterior appearance of the structure will not be inconsistent with the exterior appearance of other commercial structures in the vicinity, and that it will not cause blight or deterioration or substantially diminish or impair property values in the neighborhood. The exterior appearance of the structure will be consistent with the structures in the surrounding area. Tenant improvements are proposed to the existing structure's interior, but the exterior will not change significantly. New signage will be consistent with the approved sign program and Rowland Heights Community Standards District requirements.
29. The Hearing Officer finds that it is necessary to limit the term of the grant to fifteen (15) years to assure continued compatibility between the use of the subject property allowed by this grant and surrounding land uses.
30. The Hearing Officer finds that pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the community was appropriately notified of the public hearing by mail, newspaper, property posting, library posting and DRP website posting. All neighboring property owners within 500 feet of the Project Site were notified by mail, including 14 different owners. Additionally, the case materials were available on Regional Planning's website and at the Rowland Heights Library. A total of 12 Notices of Public Hearing were mailed to those on the courtesy mailing list for the Puente Zoned District and a notice was sent to the State of California Department of Alcoholic Beverage Control.

31. The location of the documents and other materials constituting the record of proceedings upon which the Hearing Officer's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits North Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan and Community Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.
- E. The requested use at the proposed location will not adversely affect the use of a place used exclusively for religious worship, school, park, playground or any similar use within a 600-foot radius.
- F. The requested use at the proposed location is sufficiently buffered in relation to any residential area within the immediate vicinity so as not to adversely affect said area.
- G. The requested use at the proposed location will not result in an undue concentration of similar premises because the use does not include any sales of alcoholic beverages for off-site consumption.
- H. The requested use at the proposed location will not adversely affect the economic welfare of the nearby community.
- I. The exterior appearance of the structure will not be inconsistent with the exterior appearance of commercial structures already constructed or under construction within the immediate neighborhood so as to cause blight, deterioration, or substantially diminish or impair property values within the neighborhood.

THEREFORE, THE HEARING OFFICER:

1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to section 15303 of the State CEQA Guidelines (Class 1, Existing Facilities); and
2. Approves Conditional Use Permit No. 201500082, subject to the attached conditions.

ACTION DATE: February 16, 2016

RG:RC
February 8, 2016

c: Hearing Officer, Zoning Enforcement, Building and Safety